THE HONOURABLE SRI JUSTICE E. DHARMA RAO

W.P. No. 22390 of 2005

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Dated: 14.10.2005

Between:-

Harijana Ayamma w/o late ChinnaNaganna, aged about 60 years,

and 4 others.

…PETITIONERS

AND

The District Collector, Kurnool, Kurnool District

and two others.

..RESPONDENTS

THE HONOURABLE SRI JUSTICE E. DHARMA RAO

W.P. No. 22390 of 2005

O R D E R

This Writ Petition is filed seeking a writ of Mandamus to declare the action of the

respondents in proposing to dispossess the petitioners in an extent of Ac. 5.10 cents in survey No. 291 of Udumulapadu village, Dhone Mandal, Kurnool District, as illegal, arbitrary and principles of natural justice and consequently to direct the respondents not to assign/allot in favour of third parties.

The case of the petitioners is that they belong to S.C. Community and they were allotted the land to an extent of Ac. 5.10 cents in the year 1987 as fruit patta in survey No.291 of Udumulapadu village of Dhone Mandal, Kurnool District and since then they are cultivating the same. In the land there are about 21 tamarind trees, 38 sapota trees, 25 mango trees, 7 neem trees, 40 coconut trees and about 50 other trees and they are cultivating the same for their livelihood from the last about 30 years. They submitted a representation to the District Collector and other revenue authorities for grant of patta in their favour. While so, the Revenue Divisional Officer and Mandal Revenue Officer on the instructions from the local M.L.A. have announced that the land which they are cultivating will be allotting to auto drivers of Dhone for constructing houses by name Surya Auto Nagar in survey No. 291. The action of 3rd respondent in proposing to allot the said land to Auto drivers of Dhone, even without resolution of Udumalapadu village and Gram Panchayat and even not informing the same to the Gram Panchayat. The respondents are without issuing any notice on 01.10.2005 and again on 07.10.2005 informed them that they will vacate the land within one week otherwise they will dispossess them by forcibly. Hence they came up with this writ petition.

Considering the facts and circumstances of the case and without going into merits or otherwise of the contentions raised herein, I deem it appropriate to dispose of the writ petition, at the stage of admission, directing the respondents 1 to 3 not to dispossess the petitioners from the lands in an extent of Ac. 5.10 cents in Survey No. 291 of Udumulapadu village, Dhone Mandal, Kurnool District, without following due process of law.

With the above directions, this writ petition is disposed of. No order as to costs.

E. DHARMA RAO, J

14th October, 2005

vp/dsr

Note

CC in one day

(B/o)

vp/dsr